

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION)	
OPIATE LITIGATION)	MDL No. 2804
)	
THIS DOCUMENT RELATES TO:)	Case No. 1:17-md-2804
)	
<i>The Blackfeet Tribe of the Blackfeet Indian</i>)	Hon. Dan Aaron Polster
<i>Reservation v. AmerisourceBergen Drug</i>)	
<i>Corporation, et al.</i>)	
Case No. 1:18-op-45749)	

**DEFENDANT ASSOCIATED PHARMACIES, INC.’S MOTION FOR LEAVE
TO FILE JOINDER IN MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Defendant Associated Pharmacies, Inc. (“API”) respectfully moves this Court for leave to file the attached Joinder in the Distributor Defendants’ Motion to Dismiss First Amended Complaint (Docs. 935, 936), Memorandum in Support of Motion to Dismiss (Docs. 923, 924), and Reply in Support of Motion to Dismiss (Doc. 1084), filed by Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation (the “Moving Defendants”) in the above-referenced civil action. (*See* API’s Joinder attached as Exhibit A).

In support of this Motion for Leave, API states that it first received notification of its addition as a named defendant in the *Blackfeet Tribe* litigation in March 2019, more than six months after the Distributor Defendants filed their Motion to Dismiss pursuant to this Court’s Orders. (*See* Docs. 232, 770, 791). As a result, API was unable to contribute to the Moving Defendants’ briefing. Because the legal arguments raised by the Moving Defendants are equally applicable to Plaintiff’s claims against API, API respectfully requests leave to join in their Motion to Dismiss and supporting briefs.

Pursuant to Sections 2.g., 2.j. and 2.k. of Case Management Order One (Doc. 232), API does not waive and expressly preserves its right to raise any defenses not addressed in the Moving Defendants' briefing, and to file an individual motion to dismiss in the future on any grounds.

Dated: March 29, 2019.

/s/ Walter A. Dodgen
One of the Attorneys for Associated
Pharmacies, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Walter A. Dodgen
Of Counsel